

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

Deborah Lucas,

Plaintiff,

*versus*United Parcel Service, Inc., *et al.*,

Defendants.

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§**ENTERED**

May 11, 2021

Nathan Ochsner, Clerk

Civil Action H-20-3539

Opinion on Summary Judgment

I. *Background.*

Rachael Lucas was a part-time human resources supervisor for United Parcel Service, Inc. She was in an employee assistance program for alcohol abuse.

On June 2, 2020, Rachael Lucas was working at United Parcel's Stafford building in Fort Bend Country, Texas, and had been drinking at work.

Another employee, Connie Voyles, noticed multiple times that Lucas was asleep at her desk. In the middle of the day, Katherine Allen, the full-time supervisor, met with Lucas. Lucas explained she was having relationship problems with her boyfriend. Allen told Lucas she could take the rest of the day.

Voyles and Allen offered to call Lucas's boyfriend to drive her home. Lucas declined. Voyles and Allen then offered to drive her themselves at the end of the workday. Lucas did not accept or say she would wait for them.

Lucas went to the bathroom, and Voyles and Allen returned to work.

Lucas then left the building unnoticed and went to her car in the employee lot. Later that night, she was found by her boyfriend dead in her car in the parking lot from heat exposure.

On September 15, 2020, her mother, Deborah Lucas, individually and as heir to the estate of Rachael Lucas, sued United Parcel and Aaron Times for

negligence and wrongful death. United Parcel and Times have moved for summary judgment saying that they did not owe Lucas a duty. United Parcel and Times will prevail.

2. *Aaron Times.*

Lucas's sole basis for her claim against Times is that she says that he offered her a ride home. That day, Times was 25 miles away at the Sweetwater hub in Harris County, Texas. It was clearly impossible for him to have offered Lucas a ride home. Lucas's negligence claim against Times fails.

3. *Negligence.*

To succeed on a negligence claim, Lucas must show that: (a) United Parcel owed her a duty, (b) United Parcel breached that duty, (c) and that breach damaged Lucas.

Lucas says that United Parcel's employees had a duty to care for her when they took the affirmative act of offering her a ride home after checking on her several times. They should have known it was unreasonably dangerous to let her drive because they know how dangerous it is to let a tired person drive. She argues they breached this duty by not keeping track of her during the rest of the day and letting her leave.

Lucas claims this was the cause of her death by saying that she would not have died if she had not gotten into her car, and she would not have done that if United Parcel kept track of her. She argues her death was foreseeable because otherwise her co-workers would not have offered to drive her home.

Lucas gives little evidence to support her claim. Most of it is inadmissible, speculative, or legal conclusions.

United Parcel owed no duty to prevent Lucas from injuring herself while she was off-duty. She was not ordered to leave. Her co-workers tried to call her several times and just assumed she made it home and was asleep. Nothing about their actions were unreasonable. No one knew that Lucas was possibly

intoxicated, and she never told anyone that she was. Her act of drinking at work was a superceding cause of her death. It was not foreseeable just because she was in the assistance program.

Because Lucas cannot support the elements of her negligence claim, it fails.

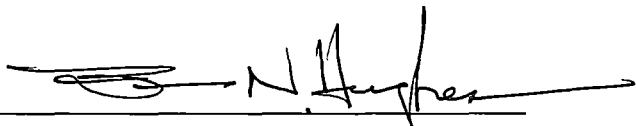
4. *Wrongful Death.*

Because Lucas cannot show a wrongful act by United Parcel or Times, her wrongful death claim also fails.

5. *Conclusion.*

Deborah Lucas will take nothing from Aaron Times and United Parcel Services, Inc.

Signed on May 10, 2021, at Houston, Texas.



Lynn N. Hughes
United States District Judge